

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12865 of Mr. & Mrs. Reginald Dunkins, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to allow a rear addition to a semi-detached dwelling which is a non-conforming structure in the R-2 District at the premises 6412 8th Street, N.W., (Square 2976, Lot 42).

HEARING DATE: February 14, 1979

DECISION DATE: March 7, 1979

FINDINGS OF FACT:

1. The subject property is on the west side of 8th Street, N.W. and is known as 6412 8th Street, N.W. It is in an R-2 District.

2. The subject lot is thirty feet wide by 77.50 feet deep and is improved with a semi-detached single family dwelling. There is a fifteen foot wide alley to the rear of the property. The one side yard measures 13.5 feet.

3. The applicants propose to construct a one story rear addition that will serve as a family room and will contain a fire place. Two adults and two children reside in the subject dwelling.

4. The rear addition will measure 9.5 feet by sixteen feet. A bay window and a roof overhang will protude from the rear of the addition by 1.25 feet.

5. The Zoning Regulations require a twenty foot rear yard in an R-2 District. After the addition the subject rear yard will be 16.75 feet. A variance of 3.25 feet is required.

6. The subject dwelling was built in 1928 before the current Zoning Regulations were in effect. The lot area is 2,300 square feet instead of 3000 square feet as now required by the Zoning Regulations.

7. The dwelling to the east is separated from the subject dwelling by a side yard of 13.5 feet and is a corner house. The dwelling to the west is attached to the subject house by a common wall. The latter dwelling wall still get its light and air from its rear windows.

8. There are several dwellings in the immediate neighborhood with rear additions including one and two stories.

9. Advisory Neighborhood Commission 4B made no recommendation on the application.

10. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking an area variance the granting of which requires a showing of a practical difficulty stemming from the property itself. The lot area is 700 square feet short of the 3000 square feet of lot area required in an R-2 District. The Board notes that the dwelling became a non-conforming structure on May 12, 1958 the effective date of the current Zoning Regulations. The Board concludes that the shallowness and size of the lot constitute a practical difficulty. The Board further notes that there was no opposition to this application. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith , Ruby B. McZier and Leonard L. McCants to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 APR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.